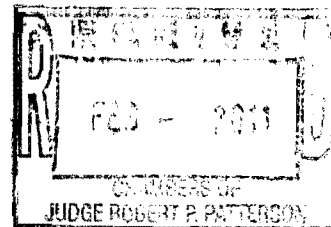


MEMO ENDORSED

HOWARTH & SMITH
ATTORNEYS AT LAW
523 WEST SIXTH STREET
SUITE 728
LOS ANGELES, CALIFORNIA 90014
TELEPHONE (213) 955-9400
FAX (213) 622-0791
www.howarth-smith.com



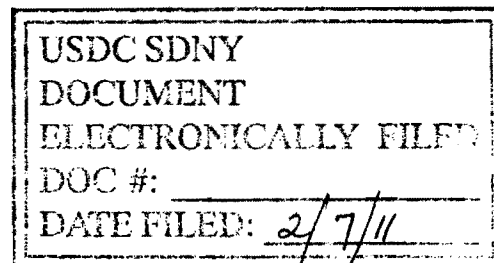
SUZELLE M. SMITH

February 1, 2011

SSmith@howarth-smith.com
Direct Line: (213) 955-9400 Ext. 111

VIA FACSIMILE
(212) 805-7917

Honorable Robert P. Patterson, Jr.
United States Courthouse
U.S. District Court for the
Southern District of New York
500 Pearl St., Courtroom 24A
New York, NY 10007-1312



Re: *Jeremy Levin, et al. v. Bank of New York, et al. al.*
Case No. 09 CV 5900

Dear Judge Patterson:

Concurrent with this Letter, the Levins are filing their Notice of Motion, Motion and Memorandum of Law in Support of Plaintiffs' Motion For 28 U.S.C. § 1292(b) Certification of the Court's Opinion and Order dated January 20, 2011. In accordance with this Court's local practice, this letter is submitted to request a hearing date of February 15, 2011. This date is requested in compliance with Fed. R. Civ. P. 6(c)(1), which requires that a written motion and notice of hearing be served 14 days before the hearing. Further, the Levins wish to submit on the papers. Should any other party wish to be heard, the Levins request that a hearing be held telephonically.

at 4:30 PM

Respectfully,

Suzelle M. Smith
Suzelle M. Smith
Counsel for Plaintiffs

*Off. of the Clerk of Court
as ordered
J. Robert Patterson
2/15/11*

SMS:cf

Honorable Robert P. Patterson, Jr.

February 1, 2011

Page 2

cc: Howard Levi, Esq. (by email)
J. Kelley Nevling, Jr., Esq. (by email)
Sharon L. Schnaeier, Esq. (by email)
Mark G. Hanchet Esq. (by email)
Christopher J. Houpt, Esq. (by email)
Curtis Campbell Mechling, Esq. (by email)
Jeremy Sage Rosof, Esq. (by email)
Noel J. Nudelman, Esq. (by email)
Dale K. Cathell, Esq. (by email)
David B. Mislter, Esq. (by email)
Richard M. Kremen, Esq. (by email)
Cary Brian Samowitz, Esq. (by email)
Liviu Vogel, Esq. (by email)
Petek Gunay, Esq. (by email)